



VPI/00-117 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Charrier, et al.
Application No.: 10/877,832
Filing Date: June 7, 2001
Examiner: V. Balasubramanian
Group Art Unit: 1624
Confirmation No.: 9982
For: CASPASE INHIBITORS AND USES THEREOF

Cambridge, Massachusetts
August 16, 2004

Mail Stop RCE
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER AND
REPLY TO NOTICE OF ABANDONMENT

Sir:

This follows a June 4, 2004 Notice Of Abandonment in the above-identified application. As set forth below applicants believe that this Notice was issued in error because a Notice of Appeal was timely filed in this application.

Applicants are resubmitting herewith copies of the following documents as filed in United States Patent and Trademark Office on January 14, 2004:

- 1) Notice of Appeal;
- 2) Petition Under 37 C.F.R. § 1.136(a) For Extension Of Time; and
- 3) Facsimile cover sheet.

Applicants are also submitting herewith a copy of the facsimile confirmation page that confirms that the Patent Office received these documents on January 14, 2004.

In view of the above, applicants respectfully submit that the Notice Of Abandonment was issued in error as a Notice of Appeal had been timely filed. Applicants therefore request that this Notice be withdrawn and that this application be considered as pending.

Applicants have submitted herewith a Request For Continued Examination and the appropriate petition for a five-month extension. With the extension, this application is pending up to and including August 16, 2004 (August 14 and August 15 being a Saturday and a Sunday, respectively). Accordingly, applicants submit that the accompanying RCE is timely filed.

Respectfully submitted,



Lisa A. Dixon

Reg. No.: 40,995

Attorney for Applicants

c/o Vertex Pharmaceuticals Inc.

130 Waverly Street

Cambridge, MA 02139-4242

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Fax Message

TO:	Examiner V. Balasubramanian
APPLICATION NO.:	09/877,832 filed June 7, 2001
CONFIRMATION NO.:	9982
FAX:	(703) 872-9307
FROM:	Lisa A. Dixon
DATE:	January 14, 2004
SUBJECT:	Attorney Docket No. VPI/00-117 US
TOTAL # OF PAGES:	5

Message or Comment

Attached are the following documents:

1. Notice of Appeal (1 page, in duplicate); and
2. Petition for 1 Month Extension of Time (1 page, in duplicate).

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to the United States Patent and Trademark Office, Facsimile Number: (703) 872-9307 on this 14th day of January 2004.



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Karen DiRocco

If any problems occur with this fax transmittal, please call (617) 444-6396 immediately.

FAX Number (617) 444-6483 Legal Department

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Certificate Of Mailing Under 37 C.F.R. § 1.10



Express Mailing No. EV 320 804 552 Date of Deposit: August 16, 2004

I hereby certify that the following documents:

1. Transmittal Letter and Reply to Notice of Abandonment (2 pages);
Copies of Notice of Appeal, Petition and Facsimile Cover Sheet, Facsimile
fax confirmation sheet (6 pages);
2. Petition for 5 Month Extension of Time (1 page, in duplicate);
3. Request for Continued Examination (RCE) Transmittal (2 pages, in duplicate);
4. Certificate of Express Mail page; and
5. this return postcard receipt.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

KAREN DiROCCO

(type or printed name of person mailing document(s))

Karen DiRocco

(signature of person mailing document(s))